

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>TROY LAMONT MOORE, SR.</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>COMMISSIONER LOUIS GIORLA, et al.,</b>	:	<b>CIVIL ACTION</b>
<b>Defendants.</b>	:	<b>NO. 14-3873</b>
	:	

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**DEFENDANT’S ANSWER, WITH AFFIRMATIVE DEFENSES,  
TO PLAINTIFF’S COMPLAINT**

Defendant, Louis Giorla (hereinafter “Answering Defendant”), by and through his undersigned counsel, hereby responds to Plaintiff’s Complaint as follows:

1. The allegations contained in this paragraph are addressed to individuals other than the Answering Defendant. Therefore, no further answer is required to the averments contained herein. To the extent a response is required, these allegations are denied.
2. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff’s statement of the case and, therefore, require no response. To the extent a response is required, denied.
3. The allegations contained in this paragraph are addressed to individuals other than the Answering Defendant. Therefore, no further answer is required to the averments contained herein. To the extent a response is required, these allegations are denied.

4. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
5. The allegations contained in this paragraph are addressed to individuals other than the Answering Defendant. Therefore, no further answer is required to the averments contained herein. To the extent a response is required, these allegations are denied.
6. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
7. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
8. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
9. The allegations contained in this paragraph are addressed to individuals other than the Answering Defendant. Therefore, no further answer is required to the averments contained herein. To the extent a response is required, these allegations are denied.
10. The allegations contained in this paragraph constitute conclusions of law and/or Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**JURY DEMAND**

Answering Defendant demands a jury trial in this action.

**WHEREFORE**, the Answering Defendant denies liability on the cause of actions declared herein, and demand judgment in his favor plus interest and costs.

Respectfully Submitted,

Date: October 29, 2014

/s/ Aaron Shotland  
Aaron Shotland  
Pa. Attorney ID No. 205916  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-5434  
aaron.shotland@phila.gov

## **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Answering Defendants assert all of the defenses, immunities, and limitations of damages available to them under the “Political Subdivision Tort Claims Act” and aver that Plaintiff’s remedies are limited exclusively thereto. Act of Oct 5, 1980, No. 142, P.L. 693, 42 Pa. C.S.A. § 8541 et seq.

### **THIRD AFFIRMATIVE DEFENSE**

The Plaintiff’s claims are barred by the doctrine of qualified immunity because, at all times material hereto, the individual defendants were carrying out their duties in a proper and lawful manner, and in the exercise of good faith.

### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiff’s claims are barred by the applicable Statute of Limitations.

### **FIFTH AFFIRMATIVE DEFENSE**

The plaintiff’s claims are barred, in whole or in part, to the extent that he has failed to take reasonable measures to mitigate any or all damages.

### **SIXTH AFFIRMATIVE DEFENSE**

The plaintiff’s claims are barred, in whole or in part, insofar as Answering Defendants’ purported actions or omissions were not the proximate cause of any alleged injury, loss, or damage incurred by the plaintiff.

### **SEVENTH AFFIRMATIVE DEFENSE**

At all times material to this civil action, Answering Defendants have acted in a

reasonable, proper, and lawful manner.

**EIGHTH AFFIRMATIVE DEFENSE**

The plaintiff's claims are barred, in whole or in part, by his failure to comply with the provisions of the Prison Litigation Reform Act of 1995 ("PLRA"), 42 U.S.C. § 1997e(a), including but not limited to, the provisions requiring exhaustion of all administrative remedies before commencing a federal suit and physical injury requirement of 1997(e).

**WHEREFORE**, Answering Defendant denies liability upon all causes of action declared upon and demands judgment in his favor.

Respectfully Submitted,

Date: October 29, 2014

/s/ Aaron Shotland  
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Pa. Attorney ID No. 205916  
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<b>Defendants.</b>	:	<b>NO. 14-3873</b>
	:	

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**CERTIFICATE OF SERVICE**

I, Aaron Shotland, Attorney for Defendant Commissioner Louis Giorla, certify that on this date, a true and correct copy of the Defendant's Answer with Affirmative Defenses to Plaintiff's Complaint was filed via the Court's electronic filing system and is available for viewing and downloading and a copy was sent via first class mail to the following recipients:

**TROY LAMONT MOORE, SR.**  
FE-2483  
BOX 945  
MARIENVILLE, PA 16239

Date: October 29, 2014

/s/ Aaron Shotland  
Aaron Shotland  
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